



1646
JFW

Practitioner's Docket No. 2605/103

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Toshio MIYATA

Application No.: 10/069,439

Group No.: 1464

Filed: 02/14/2002

Examiner: Janet Andres

For: MEG-1 PROTEIN

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is a small entity. A statement was already filed.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

[x] deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

[x] with sufficient postage as first class mail.

37 C.F.R. § 1.10*

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) _____

Signature

Date: July 1, 2004

Barbara J. Carter

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY			
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE		
TOTAL	14	— 21	= 0	x \$ 9.00	= \$	0.00	
INDEP.	11	— 15	= 0	x \$ 43.00	= \$	0.00	
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$ 0.00	= \$	0.00	
				TOTAL ADDIT. FEE	\$	0.00	


No additional fee for claims is required.

FEE DEFICIENCY

5. If any extension and/or fee is required, charge Account No. 19-4972.

If a fee for claims is required, charge Account No. 19-4972.

Date: July 1, 2004


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02605/00103 320546.1




IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Miyata, T.	Art Unit:	1646
Appl. No:	10/069,439	Examiner:	Janet Andres
International Filing Date:	August 18, 2000	Docket No.:	2605/103
Invention:	MEG-1 PROTEIN		

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CERTIFICATE OF MAILING

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Barbara J. Carter

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Honorable Commissioner of Patents
Alexandria, VA 22313-1450

RESPONSE A

Dear Sir:

Applicant respectfully submits this communication in response to the Office Action of June 1, 2004.

Restriction Requirement

The Office Action of September 1, 2004 requires election of a single invention under 37 CFR 1.499 because unity of invention is not met under PCT rule 13.1 because the same or corresponding special technical feature required by PCT rule 13.2 for unity of invention is not present. Three restriction groups from which to elect were listed in the office action (see page 2 of Office Action), as follows:

Group I, claims 1-14, drawn to polynucleotides, the encoded polypeptide, and methods of making and using the polynucleotides;

Group II, claims 15-18, drawn to antibodies and a method of using them; and